

Compliance and Inspections

Conducted on: 29 April 2014
By: Albert Leo



Maricopa County
Air Quality Department



WALK MORE USE CFLS MORE CARPOOL MORE
BIKE MORE RAKE MORE TELECOMMUTE
MORE DRIVE HYBRIDS MORE CONSOLIDATE
ERRANDS MORE RIDE PUBLIC TRANSPORTATION
MORE USE ENERGY EFFICIENT APPLIANCES
MORE CARRY REUSABLE TOTE BAGS MORE
CONSIDER SOLAR MORE RUN COLD WATER
CYCLES MORE USE REUSABLE CONTAINERS
MORE CONSERVE ELECTRICITY MORE REDUCE
WOODBURNING MORE RECYCLE MORE USE
ELECTRIC LAWN AND GARDEN EQUIPMENT
MORE REFUEL AFTER DARK MORE RIDE
THE BUS MORE RIDE THE LIGHT RAIL MORE
WALK MORE USE CFLS MORE CARPOOL MORE
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CLEAN AIR
MAKE
MORE

Introduction

- The consistent application of rules is essential. Consistency allows for a respected agency and a level playing field for the regulated community. In order to accomplish this we need to have the same level of knowledge and understanding of the rules.



Outline

- Inspection Protocol
 - Conduct
 - Philosophy
 - Priority
 - County Agencies
 - Inspection Rights
- Complaints
 - Timeframes
 - Expectations
 - EMS Entries



Inspection Protocol

- What is professionalism
 - Merriam Webster – “characterized by or conforming to the technical or ethical standards of one’s profession”
 - Lets people know you are reputable
 - Conveys intelligence and poise regarding your position
 - Keep your cool and remain calm under any circumstance
 - Committed to your work and behave ethically in all endeavors
 - Passionate about what you do



We follow our mission:

To provide clean air to Maricopa County residents and visitors so they can live, work, and play in a healthy environment



Maricopa County
Air Quality Department

We have a vision:

**Powered by a dedicated staff,
guided by integrity and service,
to provide clean air for our
citizens.**



Maricopa County
Air Quality Department

We have high values:

**We believe in working closely
with our customers and citizens
to provide clean air through
innovation, collaboration and
technology.**



Maricopa County
Air Quality Department

We have high values:

**We believe in serving our
external and internal customers
through timely, open and honest
communication.**



We have high values:

**We believe in a diverse
workforce that is respected for
its positive attitude, integrity and
dedication to air quality.**



Maricopa County
Air Quality Department

We have high values:

**We believe in being accountable
as stewards of the public's
resources and the environment.**



Inspection Protocol

We have high values:

**We all share responsibility for
the air we breathe.**



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While on site or at the facility –

- We are not consultants
- If you think or know there may be a violation they need to know this **before** you leave
 - Be clear about what you observed
 - Emphasize the importance of the facility meeting their permit conditions
 - If the compliance determination is pending a record review then the site/facility needs to be aware of this prior to you leaving



Inspector Priorities

- Top Priority is complaints
 - If you cannot address the assigned complaints in a timely manner contact your supervisor
- Next is to complete inspections according to their schedules
- You are expected to plan your days in a manner that will enable completion of all work
- Attend required meetings



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Inspector Priorities

- Check your email a minimum of twice a day
 - If you are out of the office use the “out of office” tool (this include RDOs)
 - Use the Outlook calendar, block the days you are gone – this assists in the scheduling of meetings
- Phone messages are to be returned within 12 working hours
 - Use your voice mail to indicate your hours (especially if you don’t work normal hours)



Inspector Priorities

- EMS is to be checked twice a day
 - This will help to ensure you have not missed a text message about a complaint
 - All other activities are to be completed in accordance with the current PMP goals.



Inspector Priorities

- Other assignments from management or supervisors will take a high priority and should be completed within 12 working hours of assignment (unless otherwise instructed)



Inspector Protocol

- Do not create a violation in pursuit of a violation
- Wear your ID Badge so it is visible
- Know when to stop talking
- Don't take things personally



Inspector Protocol

- You are a professional and hired to represent the highest standards of the Air Quality Department. This includes remembering that we strive for consistency and dedication. Make your decisions with firmness and conviction. Take ownership of the job you do and have pride in the difference you make.



Conducting Inspections

- Things to remember when conducting inspections
 - **When you leave the site must know if they are or could be in violation**
 - You are there to determine compliance not help them to come into compliance
 - Friendly but professional
 - If you have a personal tie to the person or company for your integrity (and friendship) do not inspect them



Conducting Inspections

- If observing from offsite you are to go onsite if at all possible and inform them of the status of the inspection
 - Call if there is no one onsite
 - Send an inspection form and log in EMS
- Always provide your contact information
 - Give them your business card
- If they want to speak to your supervisor provide the supervisor line number (602.506.6734)



Inspection Rights

- The inspection rights are based on Arizona Revised Statutes
 - A.R.S. 41-1009
 - Based on this statute we must provide a copy of the rights to them even if they are not there but we have entered the regulated area.



Inspection Rights

- If no one is on site but yet we enter we must call prior to entering and the inspection report must include a copy of the Inspection Rights
- When filling out your inspection form document any contact made with representative(s) of the site/facility



Inspection Rights

- Do inspection rights need to be sent if you conduct the inspection from offsite and do not discuss it with anyone?
 - If you are offsite for any inspection then you do not need to send inspection rights
 - If you talk to anyone onsite or offsite during your site visit then inspection right are to be conducted.
 - It is not necessary to provide inspection rights over the phone or by email.
- When ever inspection rights are reviewed onsite the yellow copy is immediately given to them



Inspection Rights

- If conducting an inspection on a facility/site that does not require a permit yet has regulated activities (ex – paint shop under the permit limits) then inspection rights are to be presented.
 - This includes complaints
- When in doubt send/conduct/provide inspection rights



Inspection Report



Maricopa County Air Quality Department
1001 N. Central Avenue, Suite 125
Phoenix, AZ 85004
Phone: (602) 506-6010 Fax: (602) 506-2537
www.maricopa.gov/aq

INSPECTION REPORT-VIOLATION

999999

Permit/Notification Number:

Date: 12-Sep-13
Start Time: 0900 End Time: 1000
Inspector: Kimberly Butler
Phone: 602.525.4414
Email: KimberlyButler@mail.maricopa.gov

Inspection Result: Inspection Rights Attached

ABC Business
123 Central Ave
Phoenix AZ 85021

Inspection Type: On-site
Inspection Purpose: Routine

☐ Non-Compliant CL



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Inspection Report

Site Name: Location 1		<input type="checkbox"/> Non-Compliant CL	
		<input type="checkbox"/> Dispo CL	
Site Address	City	Site Contact: John Boy Walton	
123 Central Ave	Phoenix	Phone: 602.555.5555	Inspection Rights Notification: Read and Signed Rights

Inspection Report

RULE	SECTION	VIOLATION TYPE	PC/STATUTE	DESCRIPTION	HPV
310	306.1a1	NOV		Maintain suitable TOCD at all exits on work sites w/ disturbed surface area \geq two acres	
Specifically: <i>Trackout control device exiting onto 35th Ave had bare spots and needed refreshing</i>					
Disposition Date/Time:		13 Sept 13 / 0800-0830		Disposition Status: Violation Corrected	
Disposition Comments:		Gravel added to gravel pad. No bare spots observed			
Comments					
<p>Arrived on site and observed the conditions from offsite until 0910. Called site contact and was met at the office by Mr. Walton by 0915. Walked facility and observed conditions. TOCD observed to be bare and in need of maintenance. Advised Mr. Walton that records were due by 16 September 2013 (2 working days).</p> <p>13 September 2013 records received and found to be complete</p> <div>Documents used for compliance determination Records provided by site Photos</div> <div>All inspection to have comments</div>					

Inspection Report

If this section has been completed, the original Inspection Report/Violation Notice has been revised. See the attached Inspection Report Correction Notice for details.

☒ DOCUMENT REVISED

Revised by: Kimberly Butler

Date: 17-Sep-13

Written responses are to be submitted within 10 days of receipt of Violation Notice. Refer to the cover letter for additional information.

Delivery Method:
Email

Name: John Boy Walton

Title: Owner

E-mail Address: JBWalton@ABCBusiness.com

Date: 16-Sep-13

OFFICE USE

rec:

rev:

Any of the Red areas may need an IRCN

At no time is a draft copy to be sent

- Inspection report
 - Create a new inspection report with REV at the end of the file name
 - Correct the errors and document on the IRCN form
 - Check document revised form
- Mail copies of the original inspection, IRCN form and the new inspection form
 - Prior to mailing review with supervisor to ensure that all corrections are made



Delivery of Inspection Forms

- Delivery methods:
 - Fax – include the number sent to
 - Mail – Designate the receiving individual
 - Certified Mail – note the number in the form
 - Email – Must be a secure document and sent with a read receipt
 - See guidance for creating

NOTE: Inspection forms to be sent within 5 days of compliance determination



- Documentation
 - State law indicates that violations must include enough information that the facility can correct the problem
 - Include location of the item in question
 - Indicate the severity of the violation



- Documentation
 - When observing a violation include information that will ensure that it is clear that all parameters of the rule are clear
 - EX: When issuing a violation for an unstable stockpile indicate how you determined it to be a stock pile
 - EX: When issuing a trackout violation ensure that you indicate where it came from to determine the connection with the site
 - EX: When issuing a violation for going over VOC limits include the calculations



- Documentation

- EX: Do not use the Assessors website to measure trackout or observed locations on the site
- EX: Ensure that you document the violation meets the stipulations of the rule or permit conditions
- EX: Determine if a permit is needed prior to issuing a violation
- EX: Indicate the disturbed acres when it is related to the violation. This is to be measured on site and not on the assessors website



- Photos of violations are considered supporting documentation
 - Take photos that will support the violations and help indicate the deviation from the rules
 - Scale for heights of stockpiles
 - Exit point start of the trackout
 - Site conditions
 - Ensure that the photos names are not changed and stored properly.



- Rule Effectiveness/Verbiages
 - Utilize the verbiages on SharePoint
 - Verbiages have been updated and are continuing to be evaluated. Always check the status of them
 - The inspection report currently does not have the right verbiages loaded in so ensure that you are using the correct one
 - All violations are to be taken to the most detailed rule.
 - This will mean that there will be multiple violations for some areas to address all the areas of violation



- General hints:
 - If multiple NOVs are being issued then determine if there is a pattern of non compliance if considering other OTCs
 - If it can be corrected during the inspection discretion should be used to determine if it is an OTC or a comment on the inspection form.
 - If no OTC is going to be issued but there are areas of concern this is to be noted on the inspection form



- Examples of comments to be used when noting concerns on the inspection form:
 - Discussed the current trackout conditions and the potential to extend beyond allowed limits
 - Discussed need to ensure that all containers are covered
 - Discussed potential non compliance when conducting trenching operations



County Agencies

- Procedure
 - Issue violation
 - Notify the site contact or onsite contact
 - Call or email the affected department contact (listed in the policy)
 - Email Air Quality Department Government Liaison, Director, Compliance Division Manager and your supervisor
 - Provide copy to all above parties (email or interoffice mail)



Other Cities and Towns

If you issue a violation to a city or town send an email to Frank (Government Liaison)



Disposition inspections

- The goal is for all inspections are found to be in violation a disposition inspection is conducted.
 - If the violation is an emissions related violation it should be dispositioned the next day.
 - If the violation needs more time the use discretion to complete this.
 - No violation should go longer then 30 days

Note a referral report can be completed without a disposition inspection



Disposition Inspection

- There may be times that an inspection is dispositioned in multiple days
 - Each day is to be documented on the inspection form with the associated violation on the form
 - Each day is to be entered into EMS according to the inspection entry guidance (see Workshop 1)
- Work with supervisor if no disposition is to be conducted



Dispositions

RULE	SECTION	VIOLATION TYPE	PC/STATUTE	DESCRIPTION	HPV
310	306.1a1	NOV		Maintain suitable TOCD at all exits on work sites w/ disturbed surface area ≥ two acres	
Specifically: <i>Trackout control device exiting onto 35th Ave had bare spots and needed refreshing</i>					
Disposition Date/Time: 13 Sept 13 / 0800-0830			Disposition Status: Violation Corrected		
Disposition Comments: Gravel added to gravel pad. No bare spots observed					



Supervisor Review

- All inspections with violations will be reviewed
- 10% of inspections with no violations will be reviewed
- In accordance with the PMP they will be tracking errors
- ADM will conduct random review of referral packages and as needed by enforcement and manager.



Referral Reports

- Referral reports are not for the inspector
 - Paint a picture for those who will be reading it
 - Describe what you saw and how you determined the violations
- ***NOTE: this could go to court – Write it in a way that will be supported by a judge***
- Ensure that your report is grammatically correct
 - Professional terms and proper English
 - Check your spelling
 - Use punctuation



Referral Reports

- Do include any statements from the facility representative that are supportive of the violations or of their cooperation in correcting the violations
- Do not interpret these comments/statements
- If you do not remember them word for word do not use quotations (“”) indicate that you are paraphrasing what they said



Referral Reports

- Use clear statements of fact
 - Do not include your opinion
 - Reference the maps and photos
 - Support your violations (remember those that read this were not there)
- Do not submit the referral package to your supervisor before you have proof read it.
- Your report is public record keep it professional and factual



Referral Reports

- Things to include in a referral package:
 - Referral report
 - Photo template
 - Map
 - Test method forms
 - Inspection report
 - Disposition report
 - Emails that support the violation
 - Records from the facility that support the violations
 - Page from O&M plan or DCP that supports violation
 - Other information that is pertinent to the inspection



Referral Reports

- Maps
 - Maps are to be created over an aerial of the area – use the assessors website (no hand made maps)
 - Include the following
 - North arrow
 - Project boundaries
 - Locations of the violations
 - All other pertinent information for the violations
 - Location of any sensitive groups or neighborhoods close to the facility/site



Referral Reports

- Photo template – Always use the PDF version (new one coming soon)
 - All fields to be filled out
 - Photo – number of photo of total
 - Direction – what direction were you facing as the photo was taken
 - Description – ensure that this is complete and describes the observed conditions
 - If not all photos are used indicated in the referral report the location of the additional photos

Photo 1 of 3

Direction: North

Description:

Trackout control device entering onto Baseline Rd. Bare spots and in need of refreshing

File: IMG_00001



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Supervisor Review

- When completed place in folder for supervisor review in accordance with current directions
 - At this time it is to be as complete as possible
- Your supervisor will review and inform you if changes/corrections need to be made
 - When asked to make changes these are to be completed within 1 working day
- During the review process the supervisor may determine there is not enough evidence to pursue and will not send to enforcement



Supervisor Review

- Upon completion they will send to enforcement
- When there the enforcement officer may request additional information
- The enforcement officer will conduct any research as to the compliance history and company information this does not need to be included in your referral package



Enforcement

- When the enforcement officer receives the referral package they will evaluate it for enforceability
 - This may mean that a violation could be NFAed
 - Enforcement officer will inform supervisor of the reason for NFA so future reports can be improved



Complainant Information

- Do not include information about the complainant in the referral package
 - Follow the complaint guidelines from Workshop 1



Conclusion

When completing inspection forms or referral packages remember:

- * They are public records – be accurate, factual, and professional
- * Write them in a manner that someone not familiar with the site or regulations can gain an understanding of the situation



Conclusion

- * Ensure that spelling and grammar are correct
- * All correspondence with the facility is to be added to the files by records



Complaints

- Complaints are our TOP priority.
 - These are to be responded within the timeframes listed in the inspector PMP
 - You may assign to yourself any complaints you see pending that are in your area
 - If you receive a call that is a complaint please enter it into the system according the instructions on SharePoint



Complaints

- Ensure that you are properly identifying the source of potential emissions (see chart in guidance document)
- Always attempt to contact the complainant prior to going out so as to obtain all relevant information
- Provide an update to the complainant upon completion indicating the outcome of your inspection



Complaints

- Findings
 - Stick to the facts (everything you enter is public record)
 - Use the spell check and minimize acronyms
 - Do not use any statements that will identify the complainant



Questions??



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